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Human Rights Council
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Agenda item 10
Technical assistance and capacity-building

Tunisia:* draft resolution

35/... Technical assistance to the Democratic Republic of the Congo concerning the events in Kasai

The Human Rights Council,

Reaffirming that all States have the responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015 and 33/29 of 30 September 2016, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its commitments with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Recalling the commitment of the Government of the Democratic Republic of the Congo, expressed in the letter addressed to the United Nations High Commissioner for Human Rights on 6 June 2017, in which the highest authority and Government of the Democratic Republic of the Congo clearly stated its firm determination to punish all persons responsible for serious human rights violations perpetrated in the Kasai region of the country, wherever the perpetrators, and that it remained willing to work with the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and with the

* On behalf of the States Members of the United Nations that are members of the Group of African States.

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United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to ascertain the truth in this matter,

Considering that a road map drawn up by the Government of the Democratic Republic of the Congo was submitted to the two United Nations structures in Kinshasa on 24 May 2017 as part of this collaboration,

Emphasizing that the Congolese justice system has taken major procedural steps in the investigations aimed at shedding more light on the murder of the two United Nations experts and their guides,

Recalling that the civilian and military elements and their accomplices involved in the crimes perpetrated in Kasai province were held in custody and pretrial detention and that the first public hearing regarding the trial of those responsible of the killing of the two United Nations experts and their guides was held on 5 June 2017 in Kananga, Kasai Central Province, and the trial will resume on 12 June 2017,

Strongly encouraging the continuation of the joint investigations under way between the Government of the Democratic Republic of the Congo, and the United Nations Joint Human Rights Office and the Mission,

Driven by the desire to respond in a holistic manner to the situation that prevailed in the Kasai provinces to avoid an escalation of violence which has already caused the displacement of almost one million people, including thousands of refugees,

Reaffirming its strong commitment to the sovereignty, independence, territorial unity and integrity of the Democratic Republic of the Congo and all States of the region, and stressing that the principles of non-interference, good-neighbourliness and regional cooperation must be fully respected,

Encouraging the Government of the Democratic Republic of the Congo to continue all efforts and initiatives aiming at the better enjoyment and protection of human rights,

Strongly concerned at reports of massive and large-scale violations perpetrated by militias claiming to belong to the traditional leader Kamuina Nsapu,

Noting the commitment of the Government of the Democratic Republic of the Congo and its efforts to protect and promote human rights,

1. *Condemns* all forms of violence and terrorism throughout the Congolese territory, including those carried out by the so-called Kamuina Nsapu militia, the source of serious violations of human rights, in particular the rights of women, children and other vulnerable persons;

2. *Commends* the Democratic Republic of the Congo for its prompt management of the events in Kasai by the initiation of investigations and the organization of trials;

3. *Welcomes* the decision taken by the Democratic Republic of the Congo to conduct joint investigations with the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to shed light on the serious violations of human rights committed in the Kasai provinces;

4. *Takes note* of the road map submitted by the Government of the Democratic Republic of the Congo, embodying the principle of accountability as required by United Nations best practices and recommended by the relevant resolutions of the Human Rights Council;

5. *Notes with interest* that these investigations will be carried out under the auspices and coordination of the Government of the Democratic Republic of the Congo, taking into account the independence of national justice, in accordance with fundamental principles of public international law;

6. *Requests* the Mission and the United Nations Joint Human Rights Office to provide the necessary logistical and material support to the Congolese justice system as requested by the military justice authorities of the Armed Forces of the Democratic Republic of the Congo, without prejudice to the sovereignty of the country;

7. *Urges* the Government of the Democratic Republic of the Congo to organize, as soon as possible, fair trials that respect international standards in the fight against impunity for the atrocities committed in the Kasai provinces;

8. *Requests* the United Nations High Commissioner for Human Rights to provide the necessary technical assistance and advisory services to assist the Government of the Democratic Republic of the Congo to complete its investigatory work concerning allegations of violations and abuses committed in the Kasai region;

9. *Also requests* the High Commissioner to give an oral update to the Human Rights Council at its thirty-sixth session, in September 2017, and to present a report on the implementation of the present resolution to the Council at an interactive dialogue to be held during its thirty-eighth session, in June 2018.